In the High Court of Punjab and Haryana at Chandigarh.

CR No.2996 of 2007
Date of decision:10.07.2007.

Smt.Nirmal Wadhwa ...Petitioner

Versus

Hanil Era Textiles Limited, Mumbai and another ...Respondents.

CORAM; HON'BLE MR. JUSTICE PERMOD KOHLI.

Present: Mr.PC Wadhwa, Attorney of the petitioner, in person.

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PERMOD KOHLI, J. (ORAL):

This revision is directed against the order dated 04.12.2006 (Annexure P-5) passed by the learned Civil Judge (Junior division), U.T., Chandigarh, whereby the application of the petitioner for a direction to the respondents to file a proper affidavit in response to the application under Order 11 Rule 14 of the Code of Civil Procedure has been rejected.

It appears that the petitioner filed a suit for recovery of Rs.1442/- in the Court below. During the pendency of the suit, an application under Order 11 Rule 14 of the Code of Civil Procedure seeking discovery and production of certain documents was filed. The other side

was put to notice and asked to file an affidavit in response to the application. The other side filed an affidavit stating therein that the documents if received in the office could have been destroyed in the fire that broke out in the office on 01.12.1999. It is contended that the affidavit is ambiguous. The trial Court has rejected this contention and dismissed the application and imposed costs of Rs.200/- on the petitioner.

I have perused the impugned order. Since the record is stated to have destroyed in fire, it may not be possible for the respondents to say with certainty that these documents were received and destroyed. I do not find any infirmity in the impugned order. There is no merit in this revision petition. The same is hereby dismissed.

However, keeping in view the facts and circumstances of this case, I set aside the order in so far it imposes costs upon the petitioner.

(PERMOD KOHLI)
JUDGE

July 10, 2007
BLS